

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: CHAPLIN, et al.  
Title: Compositions and Methods with Enhanced Therapeutic Activity  
Appl. No.: 10/790,662  
Filing Date: 1 March 2004  
Examiner: San Ming R. HUI  
Art Unit: 1617  
Confirmation No: 9569

**Terminal Disclaimer**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The owners, OXiGENE, Inc. and Baylor University of the instant application (by virtue of assignment from inventors Chaplin, Edvardsen, Prezioso and Wood to OXiGENE, Inc. (Reel/Frame 015573/0353) and assignment from inventor Pinney to Baylor University (Reel/Frame 015572/0753)) hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of Prior Patent No. 6,919,324 (assignment from inventors Chaplin, Prezioso and Edvardsen to OXiGENE, Inc. (Reel/Frame 013692/0021) and assignment from inventors Gamer, Kane and Pinney to Baylor University (Reel/Frame 015314/0848)) as such term is defined in 35 U.S.C. 154 and 173, and as the term of said Prior Patent may be shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the Prior Patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the Reference Application, "as the term of said Reference Application may be shortened by any terminal disclaimer filed prior to grant of any patent on the pending Reference Application," in the event that any patent granted on the Reference Application later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The small entity terminal disclaimer fee under 37 C.F.R. § 1.20(d), in the amount of \$70.00 is paid herewith by credit card via EFS-Web.

The undersigned is an attorney or agent of record, pursuant to the Power of Attorney from Baylor University submitted in the instant application on 26 February 2010 and the Power of Attorney from OXiGENE, Inc, submitted herewith.

Date 12 August 2010  
Customer Number: 75605  
Telephone: (650) 284-5575  
Facsimile: (650) 284-5596

By /Karen E. Flick/  
Karen E. Flick  
Attorney for Applicant  
Registration No. 44,111